



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO:** **Brian McCormick**  
Regulatory and Manual Section Manager  
Department of Medical Assistance Services

**FROM:** **REATHA B. KAY**  
Special Counsel to DMAS

**DATE:** **August 2, 2006**

**SUBJECT:** **Proposed Regulations concerning Physician Fee Increases**

I have reviewed the attached proposed regulations regarding modifications to the concerning the physician rate increases for Obstetrical and Gynecological Services, Pediatric Services and Adult Primary and Preventative Care Services.

Based on that review, it is this Office's view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The changes were first made by the promulgation of emergency regulations, and were approved by this Office in a memorandum, dated November 9, 2005.

The authority for the previously promulgated emergency regulation is the 2005 Appropriation Act (2005 Virginia Acts of Assembly, Chapter 951) Items 326(VVV, WWW, and XXX). These regulations will ensure that DMAS complies with this mandate of the General Assembly.

Brian McCormick

August 2, 2006

Page 2

If you have any questions or need any additional information, please feel free to call me at 786-1841.

cc: Kim F. Piner, Esquire

Attachment